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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 28 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF TUNISIA

1. The CHAIRMAN invited the Minister for Foreign Affairs of Tunisia to address the Commission.

2. Mr. HABIB BEN YAHIA (Tunisia) said that he wished to congratulate the Chairman on his election and was confident that the Commission would benefit from his competent leadership. The previous Chairman of the Commission had been a Tunisian, a fact in which his Government and people took pride. He congratulated the new High Commissioner on Human Rights, to whom his Government would provide all the necessary support and paid tribute to the work of the Assistant Secretary-General for Human Rights.

3. The World Conference on Human Rights had emphasized the importance of human rights as a priority for the international community. Humanity had gone beyond the adversarial approach, which pitted universality against individuality. Every human rights situation was of equal interest. His Government had endorsed that approach by participating in the preparatory work for the World Conference on Human Rights and hosting the African regional conference at Tunis and also playing an active part in the World Conference itself.

4. The need for a global and comprehensive approach to the various problems besetting the world had been affirmed by various publications and forums. The Secretary-General's Agenda for Peace had stressed the need to strengthen international peace and security by means of the peaceful settlement of disputes and preventive diplomacy. The United Nations Conference on Environment and Development (UNCED) had emphasized the need for sustainable and balanced development. The World Conference on Human Rights had highlighted the need for a global and integrated view of the various aspects of human rights. Lastly, the forthcoming World Summit for Social Development would provide an opportunity to reaffirm that social development was at the heart of sustainable development.

5. Six years previously, his Government had chosen to ensure respect for human rights. That choice had been based on an objective domestic situation, which had led his country to strive for peace and security, economic and social development, and democracy. Constructive results had been achieved. Tunisia had managed to implement a structural adjustment programme and had attained a growth rate of 6 per cent, while continuing its efforts to provide social benefits and to combat poverty. The country was clearly on the right path; moreover, through its social and economic polices, it had mobilized all levels of society to work towards national aims. Various national bodies had endorsed the Government's policies, including trade union and other organizations.

6. The Islamic heritage was an important frame of reference for his country because it included humanitarian values and principles. Human rights were not the exclusive property of any particular civilization or culture - they belonged to humanity as a whole. Thus it was logical for the international community to monitor human rights developments around the world, to point to the need for remedies and to highlight any constructive steps taken in that regard.

7. The international instruments to which Tunisia was a party prevailed over domestic legislation, thereby strengthening the legal framework for the protection of human rights. His Government had set up national mechanisms to monitor violations of human rights and to carry out investigations of any complaints. The highest human rights body in his country was composed of members who reflected the pluralism of Tunisian society; it provided advice on and evaluation and follow-up of human rights situations and carried out impartial investigations. In that connection, Tunisia had welcomed the opportunity to host the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis in 1993; that workshop had highlighted the important role played by national institutions as independent and neutral bodies.

8. The Tunisian Human Rights Defence League had been instrumental in enhancing civil life and could play an even greater role. In general, his Government was working to strengthen the foundations of society and to ensure the proper dissemination of values. It was particularly interested in cooperating with the non-governmental organizations active in promoting human rights. NGOs could contribute positively to such efforts; at the same time, they should remain objective in their evaluation of situations, studying each case thoroughly and taking into consideration the human rights record and legal foundations of the particular society in question.

9. His country had made considerable progress in the field of human rights in recent years. The social aims to which it aspired called for constant and dynamic action. In that spirit, it had adopted a system of pluralist democracy and was currently preparing for legislative elections to be held in March 1994. All the proper legal guarantees and safeguards had been established to permit the free exercise by all of their political freedoms. The electoral list had recently been revised to reflect the reality of Tunisian society.

10. While human rights were first and foremost individual rights, they were also, historically, a social phenomenon, highlighting the relationship between individuals and the State. Education and consciousness-raising in the field of human rights were important ways of strengthening respect for human rights, and his Government had introduced reforms in the school curriculum to that end. Education was also a guarantee for the future, ensuring that the new generation would protect society against various forms of extremism. His Government attached special importance to disseminating the culture of human rights at every level of society.

11. His Government had profound faith in the family as the foundation of a secure society. Thus, it had set up mechanisms to guarantee those rights related to family life. In recent years, it had strengthened women's rights by various legislative measures, including those which ensured equality between the sexes in daily life. It had also endeavoured to strengthen the rights of especially vulnerable groups.

12. The international community had come a long way towards attaining the objectives set forth in the United Nations Charter. Yet, much remained to be done at both the national and international levels before peace, sustainable development and universal and full respect for human rights were achieved. Any steps towards establishing the basis for a new international order would strengthen the progress towards democracy and full respect for human rights.

13. The objectives of the Charter were currently threatened by racist ideologies and by religious and ethnic extremism. The United Nations, which had arisen out of the ashes of fascism and nazism, must strive to save the world from a resurgence of such racist ideas. He therefore welcomed Commission resolution 1993/11, which called upon the international community to combat all forms of racism and racial discrimination. In that connection, he noted that discrimination against foreign minorities, especially migrant workers, was a particular threat.

14. It was unfortunate that there were still violations of human rights in many areas of the world. The international community must increase its efforts to resolve the various problems threatening international peace and security. The Palestinian people had been engaged in a just struggle to recover their land, their dignity and their sovereignty; yet, they continued to suffer from the acts of extremists who refused peace. His Government, which had contributed at every stage to the Israeli/Arab peace process, condemned the massacre at Hebron and called once again for the immediate withdrawal of Israeli forces from the occupied territories.

15. His Government had always supported the liberation of peoples as a just cause. It welcomed the developments in South Africa and called on all the political parties involved to abide by the agreements made.

16. The extremist campaign of ethnic cleansing in Bosnia and Herzegovina was designed to destroy a people and their State and the situation there was daily becoming more serious. The measures taken to stop the siege of Sarajevo were very welcome and he hoped that such measures would be applied in other parts of the Republic and that the international community would find a solution guaranteeing the territorial integrity of Bosnia and Herzegovina and the dignity of its people.

17. He thus welcomed the resolutions adopted by the Commission on the occupied Arab territories, South Africa and the Republic of Bosnia and Herzegovina. The international community must put an end to the tragedy of peoples under foreign occupation, leaving them free to exercise their right to self-determination.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 8, 47, 58, 104, 110, 115 and 119; E/CN.4/1994/NGO/22 and 26; A/48/600 and Add.1)

18. Mr. van der STOEL (Special Rapporteur), introducing his report on the situation of human rights in Iraq (E/CN.4/1994/58), said that it was once again his sad duty to inform the Commission that a wide variety of serious violations of human rights had occurred and continued to occur on a massive scale in Iraq. Those violations included summary and arbitrary executions, torture, arbitrary arrests and detention, suppression of the freedoms of opinion, association, movement and residence, violations of the right to food and health, and violations of the rights of women and children.

19. One example of the reign of terror prevailing in Iraq was the Revolutionary Command Council Decree of 21 December 1992, which granted immunity from prosecution to Baath Party members, security forces and other Government supporters who might cause damage, injury or death while in the pursuit of draft evaders or army deserters.

20. Special attention needed to be given to the Kurdish population in the northern part of Iraq. While the population in the other parts of Iraq received food rations covering some 50 per cent of their basic needs, which was already far too little, the internal blockade organized by Iraq against the northern Governorates was preventing more than 7 to 10 per cent of the normal rations from reaching the population there. It was only by massive outside aid, therefore, that the population was surviving.

21. Worthy of mention also were the frequent and violent attacks against persons and property, including armed attacks directed against United Nations staff and convoys, which had seriously interrupted the delivery of humanitarian assistance in the northern region. While it would be wrong to assume that all such forms of violence could be attributed to Iraqi agents, there were serious indications that quite a number of those acts had been committed on the instructions of the Iraqi authorities.

22. The situation in the north was also complicated because the supply of electricity to the region of Dohuk had been cut off since September 1993. It had been alleged that the Government of Iraq was responsible; however that might be, the Government had done nothing to restore the electricity supplies, and that had had serious consequences for the population there.

23. As for the situation in the southern marshes, the rapid drying up of the marsh areas in the summer of 1993, which appeared to be a tactic of the Government to gain control of the area, had led and would continue to lead to catastrophic environmental consequences. The military operations undertaken by the armed forces of Iraq, in particular indiscriminate artillery

bombardment, had led to much human suffering and loss of life as well as considerable damage to property. There was little hope of any improvement of the situation in the area.

24. With regard to the food and health-care situation, it was to be feared that many people were living in near-famine conditions. The Government of Iraq asserted that the United Nations was responsible therefore and, more specifically, the Security Council, which had imposed sanctions on Iraq. Food and medical supplies were, however, exempted from the sanctions and, while Iraq must be able to export goods, particularly oil, to pay for imports of such supplies, Security Council resolutions 706 (1991) and 712 (1991), permitted it to do so under certain conditions.

25. So far, however, the Iraqi Government had consistently refused to make use of that permission. He hoped that it would change its policy in that respect since, if it did so, the food and health-care situation in the country would improve dramatically.

26. His report dealt in some detail with the evidence concerning the so-called "Anfal campaign" against the Kurds. Following the 1991 Kurdish insurrection, some 4 million documents had been found in abandoned security offices in the north. A number of the documents had been analysed and some had been sent to him. They provided information on deliberate and massive human rights violations which had led to the death and disappearance of tens of thousands of persons, including women and children.

27. The Government of Iraq would, no doubt, assert that the documents were forgeries. He himself was sure they were genuine for two reasons. In the first place, the Iraqi authorities admitted that documents had been lost in the north. Secondly, a very considerable number of skilful persons and vast sums of money would have been needed to forge 4 million documents. The documents were thus genuine and constituted evidence of a cruel campaign of which hundreds of thousands of persons had been the victims.

28. There was a simple method of establishing whether his conclusions were correct or not. The Government of Iraq had only to allow a group of United Nations-appointed monitors to visit the country, with complete freedom to travel wherever they wished and to carry out any investigation they deemed necessary. The General Assembly and the Commission itself had both proposed that formula, but the Government of Iraq had consistently refused to accept it, clearly out of fear that the monitors would simply confirm his own conclusions. In the circumstances, it was of the greatest importance that sufficient staff and funds should be allocated to enable him to send representatives to places outside Iraq to collect evidence, and he appealed to the Commission to provide its support for such a monitoring operation.

29. Lastly, he hoped that the Commission would once again appeal urgently to the Government of Iraq to put an end to its policy of harassment and serious human rights violations.

30. Mr. MAZOWIECKI (Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia) said that the Commission was meeting at a particularly crucial moment in the development of the situation in Bosnia and Herzegovina. For the first time, since the beginning of the siege of Sarajevo, it was witnessing effective international action which might well initiate a new phase in the development of the situation in the region.

31. To date, he had submitted 10 reports on the situation in the former Yugoslavia, which contained some appalling facts. The tragedy of the people living in the territories affected by military conflict was continuing and he was still receiving information about harassment and serious human rights violations against the Muslims and Croats in Banja Luka and elsewhere in territories controlled by the Bosnian Serbs. The shelling of civilian targets causing massive casualties and immense suffering to the civilian population was continuing. Refugees were being drafted into the armed forces and the de facto authorities were preventing the monitoring of the human rights situation in the territories under their control.

32. The policy of ethnic cleansing had been implemented in territories controlled by the Bosnian Croats. He had received particularly disturbing information from Mostar, where Muslims and Serbs had been subjected to harassment and discrimination.

33. Human rights and international humanitarian law had also been violated in territories controlled by the Government of Bosnia and Herzegovina, and summary executions had taken place at Malijne and Uzdol. However, it should be noted that, in such cities as Tuzla and Vares, the efforts of the local authorities had made it possible so far to avoid serious inter-ethnic conflicts.

34. Throughout Bosnia and Herzegovina, about 3,500 persons were still being held in prisons and detention camps. They were being forced to work in life-threatening situations, in particular at the front line. That practice was being followed by all parties to the conflict.

35. An estimated 2 million persons had been forced to leave their homes. Their survival depended to a great extent on the delivery of humanitarian aid. However, efforts to provide such aid were constantly being frustrated, particularly by the Bosnian Serbs and Bosnian Croats. Convoys were attacked and drivers and employees of humanitarian agencies had been killed. The granting of permission for the passage of convoys was used as a bargaining chip. In that context, he recalled his recommendations concerning safe areas, humanitarian aid corridors and the re-opening of Tuzla airport. Full implementation of those recommendations would alleviate the worse consequences of the conflict and also help to avoid possible conflicts between local populations and displaced persons.

36. He continued to receive information about serious human rights violations in the Federal Republic of Yugoslavia, in particular with regard to the ethnic Albanian population of Kosovo. The situation there was particularly dangerous

in that it might provoke a conflict with irreversible consequences. Without a constructive dialogue between the authorities and the representatives of the Albanian population, it was not possible to expect an improvement of the situation in that region.

37. Some improvement had been noted in the human rights situation in the Sandzak and Vojvodina, despite continuing violations of the human rights of ethnic and religious minorities. In that regard, he wished to point out that, most deplorably, the authorities of the Federal Republic of Yugoslavia refused to allow the return of the CSCE mission or the opening of an office of the Centre for Human Rights.

38. Human rights violations in the Federal Republic of Yugoslavia were not limited, however, to the situation of minorities. Serious problems also existed with regard to freedom of speech and expression, thus limiting the opportunities for democratic opposition. Refugees from Bosnia and Herzegovina had been forcibly incorporated into the armed forces and sent back to the territories controlled by the Bosnian Serbs. The difficult economic situation prevailing in the country, involving a breakdown in the financial system, should also be noted.

39. In the Republic of Croatia, the armed forces had been responsible for violations of human law in the Medak region. There were confirmed reports that Croatian citizens born in Bosnia and Herzegovina had been drafted into the army and then posted for service in Bosnia and Herzegovina. The Government of that Republic was cooperating fully with the representatives of the international organizations, including the Centre for Human Rights but had not yet taken effective action to prevent human rights violations.

40. He continued to receive disturbing information from the United Nations protected zones controlled by Serb forces (UNPAs) of ethnic cleansing, discrimination and persecution of non-Serbs.

41. He acknowledged the constructive action taken by the Government of the former Yugoslav Republic of Macedonia to improve the legal and de facto situation of ethnic and national minorities. However, the human rights situation in that country was still not entirely satisfactory. Action should be taken to overcome the existing difficulties, particularly in the sphere of relations between the various minorities. It should be noted that the Government had approved the opening of an office of the Centre for Human Rights at Skopje and indicated its desire to cooperate with the United Nations human rights system.

42. The tragic plight of children in the territory of the former Yugoslavia was deeply disturbing. About 300,000 children had been affected by the war, 16,000 of them having been killed. In addition, many children were victims of malnutrition, disease and psychological traumata. The international humanitarian organizations should draw up a special plan to provide care for the children and adolescents who were victims of the conflict.

43. Another problem was that of missing persons. Since the tragedy of Vukovar, many families had suffered greatly, and efforts to find the missing persons had proved fruitless. A new mechanism must be created and parties to the conflict must be obliged - on pain of sanctions - to provide information and undertake investigations into the disappearances that had occurred at Vukovar and elsewhere in the territory of the former Yugoslavia.

44. His latest report (E/CN.4/1994/110) listed his principal recommendations and indicated the way in which they had been applied. Most of the recommendations had not been implemented at all while others had been implemented partly or only after a long delay. Some people had reproached him for exceeding his mandate and proposing measures which were within the purview of the Security Council. Such critics had a very narrow concept of the role of human rights in international relations.

45. Peace and security in Bosnia and Herzegovina could not be ensured without guaranteeing respect for the most elementary human rights. That was why he had stressed that the consideration of human rights in the peace negotiations must not be limited solely to the ultimate settlement. The negotiations must take into account such fundamental principles as the inadmissibility of gains acquired by force, the right of victims to compensation and, above all else, the right of displaced persons to return to their homes.

46. The strains of war and the desire for peace were evident in Bosnia and Herzegovina. Coexistence, however, would not be attained through the ethnic division of the country but rather through the creation of an atmosphere which encouraged group action and democratic movements. That could not happen without the demilitarization of the Republic. For many months, the conflict had raged and the international community had been helpless to stop the war crimes. Only the attack on the civilian population of Sarajevo on 5 February 1994 had elicited an international response.

47. There were several questions to be addressed in the near future, such as whether all camps would be closed and their prisoners released; whether preparations would be made for displaced populations to return home; whether humanitarian land and air convoys would be able to reach their destinations unimpeded; and whether the "safe areas" would genuinely guarantee the safety of the civilian population.

48. If those basic questions were not addressed, the first positive step - namely, controlling the heavy weapons installed around Sarajevo - would come to nothing. The credibility of the negotiations was at stake. A lasting peace in the various territories of the former Yugoslavia must be based on respect for human rights throughout the Balkans. The Commission's resolutions on human rights in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, had been largely unimplemented, a fact that could not be ignored. There was at last an opportunity to break the cycle of crime and suffering and everything possible must be done to seize it.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS;

(e) INTERNATIONAL YEAR OF THE FAMILY

(agenda item 11) (continued) (E/CN.4/1994/34-38, 39 and Corr.1, 40-42, 43 and Add.1, 44 and Add.1, 45 and 74; A/48/579; E/CN.4/1994/NGO/2-4)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/73/Add.1, 75, 76 and Add.1, 77 and Add.1, 78 and Add.1 and 109; A/CONF.157/23)

49. Mr. DEMBINSKI (Poland) said that the Vienna Declaration and Programme of Action, although ambitious in their scope, left virtually untouched the prevention of massive and grave violations of human rights and the settlement of human rights-related conflicts. His delegation thus supported the proposal by the Secretary-General that a new diplomacy for democracy and human rights be elaborated. In that connection, it attached particular importance to the prevention of human rights violations through early-warning systems, on-site visits and the like. Consequently, it had proposed to the General Assembly, at its forty-eighth session, that the Secretary-General should elaborate an agenda for human rights to outline the principles and framework of the new diplomacy in that area. The purpose of such a document would be not to rival the Vienna Declaration and Programme of Action but to supplement it. His Government would be grateful for any comments on that proposal which might be considered by the General Assembly at its next session.

50. Although the Commission was the main human rights body, it did not rank very high in the United Nations structure. As for the Third Committee of the General Assembly, human rights constituted only part of its much broader agenda. Consideration should therefore be given to establishing a main committee of the General Assembly for human rights and humanitarian affairs, while merging economic and social problems in another main committee. That would give human rights its rightful place among the chief concerns of the Organization.

51. In the view of his delegation, the Commission should reiterate its call to all States to take the necessary steps to ensure full enjoyment of civil, political, economic, social and cultural rights by persons infected with the

human immunodeficiency virus (HIV) or persons with acquired immunodeficiency syndrome (AIDS). Further positive measures were needed to prevent and/or eliminate discrimination against such persons.

52. His delegation supported the proposal that the Commission should request the Secretary-General to submit to it, at its fifty-first session, a report containing a comprehensive survey of such measures and appropriate recommendations. It was to be hoped that the report, together with other relevant material, including the report of the Sub-Commission's Special Rapporteur, would enable the Commission to draft a set of criteria for domestic and international legal standards related to AIDS. The Commission should also endorse the valuable efforts made by the World Health Organization (WHO) and other international and non-governmental organizations to assist persons with HIV/AIDS.

53. For the past two years, the Commission had been considering the status and activities of civil defence forces, which were to be found in all regions of the world. Sometimes such forces offered protection when the efforts of the competent authorities were inadequate; at other times, however, they themselves became a source of serious human rights violations. Whereas self-defence as an ideal seemed to be indisputable, in practice it raised serious questions, such as its limits and its legal justification as a response to violence. The distinction between legal actions and abuse of power was not clear.

54. Having received the reports of the Secretary-General on the subject (E/CN.4/1993/34 and E/CN.4/1994/38), the Commission should establish a set of guidelines for the legal framework of the activities of civil defence forces, which should stipulate that such forces were to be deployed only for the purpose of self-defence and must act according to the law. The principles should also define responsibility for acts violating human rights.

55. In 1986, his delegation had proposed the proclamation of the International Year of the Family, which had been put into effect for the year 1994. It was the family that served as a model for inculcating respect for human rights, and efforts must be made to help the family carry out that important function. It was to be hoped that the Commission would contribute effectively to assisting families in areas where the need was most acute.

56. Mr. NEAGU (Romania) drew attention to the importance of the recommendation adopted in paragraph 69 of the Vienna Declaration and Programme of Action concerning the establishment within the United Nations of a comprehensive programme coordinated by the Centre for Human Rights in order to help States with the task of building and strengthening adequate structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law. Equally vital was the reference in the same paragraph to the need to provide technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights and any other sphere of activity relevant to the good functioning of the rule of law.

57. The recommendations adopted at the Vienna Conference and the relevant resolutions of the General Assembly had been based upon the positive experience acquired by the Centre for Human Rights with countries that had drawn upon its services. The programme of advisory services and technical assistance for Romania, agreed upon at Bucharest on 23 September 1991, was a case in point.

58. The programme had begun at a critical moment, when the young Romanian democracy had been in the throes of laying the foundations for the rule of law by drafting and adopting a new constitution and basic legislation and holding its first free local and national elections. The assistance offered to that process by the Centre for Human Rights had been prompt and varied, and the structure of the programme for Romania had been well chosen.

59. The Centre had anticipated the recommendations adopted at the Vienna Conference and included in the programme the following areas: information and publications, training and education, seminars and symposia, scholarships and preparatory courses and expert advisory services and assistance for the Romanian Institute of Human Rights (RIHR). Among the most important activities had been the seminars held in 1992 and 1993 for judges, public prosecutors and lawyers, the briefing of non-governmental organizations and the assistance provided to the RIHR.

60. Romania's efforts to establish the Institute had received unique backing from the programme of advisory services and technical assistance: in 1993, Mr. Joseph Voyame, the distinguished Swiss expert, had been appointed its Executive Director. Mr. Voyame had greatly contributed to structuring and directing the activities of the RIHR and his presence had lent it the authority it needed. Mr. Voyame had also provided helpful assistance at the meeting of the World Conference on Human Rights devoted to the reform of international human rights institutions, as well as at seminars held at a number of locations in the country, and he had collaborated in the quarterly review of the Institute and other publications that had appeared under its auspices in 1993.

61. Thanks to the support that Mr. Voyame had obtained from the Government of Switzerland, the Institute was compiling a modern research library for specialists and the general public alike. Apart from financial contributions, the Swiss authorities had also seconded a librarian from the Institute of Comparative Law at Lausanne and had sponsored a six-month course for a Romanian research worker at the same Institute at Lausanne so that he could complete his doctoral thesis on international human rights monitoring procedures.

62. The two-month course to be organized in Switzerland in 1994 for some 30 officials of the Romanian prison system, to be supplemented by a similar event in Romania in 1995, would also be most useful. His Government expressed its deep appreciation to Mr. Voyame and to the Swiss authorities for their invaluable assistance in Romania's efforts to create a modern legislative, institutional and practical framework for the promotion and protection of human rights. It also thanked the other donor States for their

generous contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, which had enabled the Centre for Human Rights to carry out such a wide range of activities.

63. He hoped that Romania would continue to benefit from the Centre's advisory services and technical assistance. There were various activities contained in the programme agreed upon between Romania and the Centre but not yet completed, such as the publication in Romanian of the texts of international human rights instruments and the seminar on the human rights of persons belonging to minorities. His Government intended to ask the Centre for further assistance to the RIHR and for help with the final phase of the programme in 1994 in the areas of education in the field of human rights and the smooth functioning of existing or suggested national institutions, such as the people's advocate (ombudsman).

64. Mr. WILLIS (Australia) said that insufficient attention was paid to the Centre's capacity to prevent human rights violations through programmes to help countries develop institutions and systems to promote and protect human rights. There should be a wider appreciation of the fact that the Centre was able to provide expert advice and work closely with States which wanted to improve their human rights performance. That was not a matter of imposing any particular human rights system: the Centre could assist States in accordance with their national circumstances.

65. As his delegation had announced at the World Conference on Human Rights, his Government was contributing 3,000 Australian dollars to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of strengthening national human rights machinery, particularly in the Asia-Pacific region.

66. The World Conference had endorsed the concept put forward by his delegation of States drawing up national action plans as a way of promoting improved observance of human rights standards. His Government had just presented its own National Action Plan to the Commission and hoped that it would be a useful guide for other States. National action plans could, inter alia, form the basis for applications for assistance from the Voluntary Fund.

67. Cambodia was an encouraging example of successful work in the field of advisory services and technical assistance. The Cambodia Office of the Centre for Human Rights, inaugurated on 1 October 1993 following the departure of the United Nations Transitional Authority in Cambodia (UNTAC), had established a range of programmes and activities designed to strengthen the human rights infrastructure in Cambodia. A particular focus of the activities of the Special Representative of the Secretary-General would be to assist the Office in implementing its programmes in such areas as institution-building, training, drafting of legislation and assistance with reporting obligations under the international conventions to which Cambodia was a party.

68. To ensure the success of the ground-breaking efforts in Cambodia, adequate resources must be made available to enable the Centre and the Special Representative to fulfil their respective mandates. To that end, the Governments of Australia, Japan and the United States had pledged

contributions to fund the Centre's activities in Cambodia. He urged other Governments to recognize the special needs of Cambodia arising from its recent tragic history and to contribute generously to those activities.

69. The Cambodian operation represented an important challenge to the system of advisory services and technical assistance, an area that was likely to assume increasing importance as States sought to improve their human rights performance. It could not be allowed to fail. The Commission must therefore provide the necessary support to ensure that the advisory services and technical assistance activities there demonstrated that the human rights system was capable both of reacting to a crisis and taking the initiative.

70. The situation of human rights in Somalia was comparable to that in Cambodia prior to the signing of the peace accords. The collapse of the Government in Somalia and the continuation of the conflict had resulted in the destruction of the entire human rights infrastructure, which would have to be rebuilt once peace was restored. As in Cambodia, the advisory services and technical assistance provided by the Centre for Human Rights would be of importance. The Centre's experience in Cambodia would undoubtedly be of use in Somalia and in other situations where national institutions had to be reconstructed.

71. Mr. STROHAL (Austria) said that his Government's expectations of the follow-up to the World Conference were very high. His delegation was looking forward to hearing the statement by the new High Commissioner for Human Rights and would comment on the issue of an integrated approach to human rights - the new mandate conferred by the World Conference - under the relevant agenda item.

72. On the topic of coordination within the international system, he said that the processing of information for the various mechanisms of the Commission and coordination among them must be strengthened. Adequate coordination must also be ensured between those mechanisms and the treaty bodies. Coordination of human rights issues within the United Nations system as a whole was also necessary on questions of information; on policy matters, in particular with regard to action-oriented activities; and on technical cooperation and advisory services.

73. Coordination with Governments and non-governmental organizations (NGOs) should be enhanced through the establishment of focal points for specific issues within the framework of the Commission. Those focal points should function as points of entry into the entire United Nations system. His delegation believed that the High Commissioner for Human Rights would give fresh impetus to the task of coordination and looked forward to cooperating with him in that respect.

74. Internally displaced persons had also become a system-wide problem. Their number had increased in alarming proportions, apparently surpassing that of refugees. His delegation wished to express its appreciation to the Secretary-General's Representative on the topic and to commend the work he had already done. It was concerned, however, about the gap between the objectives of the representative's mandate and the resources currently available for its

implementation. The international community had undoubtedly a responsibility to protect and assist internally displaced persons where cleavages had been generated between the authorities and the populations affected.

75. The Secretary-General's Representative had rightly reaffirmed the interconnection between the causes and consequences of refugee flows, which had also been stressed by the World Conference, as part of a comprehensive approach. It was regrettable that, owing to various constraints, the Representative had been able to make only one country visit, in which connection he wished to express his delegation's appreciation to the Government of Sri Lanka. He thought that such activities should be intensified and noted that invitations had been received from Burundi and Colombia.

76. Convergence of refugee law, international human rights law and international humanitarian law had been stressed by both the Representative of the Secretary-General and the United Nations High Commissioner for Refugees. His delegation fully concurred with that assessment, and hoped the Secretary-General's Representative would pursue the compilation of existing rules and norms relevant to internally displaced persons. It noted with interest the suggestion that a code of conduct setting forth responsibilities towards internally displaced persons, should be developed. Obviously, the protection of women and children was a priority in that regard.

77. His delegation supported the recommendation on improving the coordination and effectiveness of the increasing number of international organizations dealing with the problems of internally displaced persons. Increased assistance should be provided for the Secretary-General's Representative's follow-up activities and for data collection. The provision of resources was particularly important until such time as institutional responsibility could be established.

78. Mr. NASSERI (Islamic Republic of Iran) said that administrative and repressive measures in Europe and the West were undermining the right to asylum. He recalled in that connection, that there had been diverging views in the preparatory work on the 1951 Convention relating to the Status of Refugees as to whether it should focus on events which had occurred in Europe or be more universal in character. The Convention, which represented a compromise between the principle of sovereignty and the principles of humanitarianism and universality, had two major shortcomings. In the first place, it did not refer to the right of asylum as a human right but gave the State discretion to grant or refuse it. Secondly, the definition of refugee was based solely on the criterion of persecution and was thus restrictive, a restrictiveness that had been accentuated by the establishment of membership groups and the tightening of refugee screening. Even after the 1967 Protocol relating to the Status of Refugees eliminated the geographic limitation, the definition of refugee was based on essentially European criteria - e.g. protection from politically, religiously or racially motivated discrimination.

79. The process of decolonization and the extension of the cold war into third world countries had caused regional conflicts and mass transboundary population movements. Africa and Latin America had responded to those new circumstances by adopting, respectively, the 1969 Convention of the Organization of African Unity (OAU) Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartegena Declaration on Refugees. In 1970, the Asian-African Legal Consultative Committee had adopted additional protocols relating to the treatment of refugees.

80. The Western countries, however, had refused to recognize violence and civil war as legitimate grounds for seeking asylum, fearing the "human waves" that might be attracted by the wealth of industrial societies. The term "economic migrant" had thus come into use; restrictions had been placed on non-Western refugees for "security" reasons so as to turn back as many as possible on "justifiable" grounds.

81. The silence in the face of the European immigration policies was puzzling, for surely there would have been a huge international outcry if Iran and Turkey had refused to take in Kurdish refugees, or if Pakistan and Iran had "screened" Afghan refugees following the Soviet invasion. And yet the United States turned away "boat people" from Haiti despite its support for a change of regime there and the United Kingdom and other European countries were even establishing quotas for the entry of Bosnian Muslims.

82. The "harmony of legislations" and the concept of "common territory" were specific new slogans under which the European countries had established deterrent measures against refugees. According to the Shengen Accord and the Dublin Convention, a decision by one State regarding the granting of asylum would be "opposable" by the others. The result was that the whole of Europe became inaccessible to refugees.

83. The fallacious argument of migratory flows was being used as a pretext for stricter screening. Discriminatory measures in the name of harmonization ranged from stringent visa requirements and air carrier sanctions to the latest policy of sending back refugees to a "safe third country", without any procedural safeguards. Switzerland, for example, was about to send asylum-seekers from Kosovo to Hungary, with which it had recently concluded a return agreement. That was also the fate of Sri Lankans in the Netherlands, and Bulgarians in Germany, the United Kingdom and Scandinavian countries. Ironically, while the economic and political union of Europe was behind schedule, unified policies and restrictions on refugees had been formulated at a rapid pace.

84. The overriding desire to preserve European wealth as well as the European identity, culture and lifestyle would create barriers and fuel feelings of fear and hatred. There was a fine line between the xenophobia of individuals and groups and that exercised by the State. The xenophobia of extremist groups was manifested through acts of violence while that of the State was practised lawfully and peacefully, but the ultimate aim of both was to drive out the non-European alien.

85. Regrettably, there had been little reaction to the European and Western violation of the principle of non-refoulement. Even NGOs, so outspoken on other issues, had remained silent. Considering how long it took to change policies in the developed world, it was high time that the international community lodged a protest. The question must be more fully debated by the Commission under agenda item 11 (d) and the Special Rapporteur on contemporary forms of racism, Mr. Glèlè-Ahanhanzo, should focus on the issue in his next report.

86. Ms. KUNADI (India) said she wished to highlight the progress made in her country towards securing the human rights of vulnerable groups, particularly women. The situation of women in India was very complex because they belonged to a whole range of socio-economic, cultural and religious groups. Thus, some women were highly educated and enjoyed important social positions while others were poor and illiterate.

87. Legislators and many women's groups in India were concerned with the socio-legal status of women. Family laws, which were based on the various religions in India, had originally accorded women an inferior legal status. The Hindu majority had dramatically reformed its personal laws relating to marriage and divorce, succession, inheritance, maintenance and the custody of children. A secular law on marriage and divorce - which was identical with Hindu law - was also in force.

88. Women belonging to certain minorities, however, remained at a disadvantage and were at times unable to claim maintenance from their husbands or custody of their small children. In the family laws of minority religions, there was a delicate balance to be maintained between preserving their cultural identity and guaranteeing equality before the law.

89. The law provided for equal pay for equal work, maternity leave and protection against dismissal on the ground of pregnancy. As many women were unaware of those rights or unable to assert them, however, the State had launched a national legal aid programme which emphasized legal literacy. Special programmes had also been launched to inform women and other disadvantaged groups of their legal rights. Family courts had been established in which women could seek the assistance of trained counsellors. The courts also guaranteed easy access to the legal process and the speedy recovery of maintenance payments.

90. In the area of education, several States were providing free primary and secondary schooling for girls and adult education programmes for women. The State of Kerala and a number of districts in other States had attained a literacy rate of 100 per cent. Not surprisingly, there was a correlation between the education of women and the effectiveness of population control measures, family planning programmes and health-care programmes.

91. Special provisions had been adopted to control crime against women. For example, a new section had been added to the Indian Penal Code on dowry death and the cruelty of husbands or in-laws was characterized as a cognizable offence, cruelty being defined as treatment which could drive a woman to suicide. Stringent provisions had also been introduced to control custodial rape, which included rape in police custody. In all crimes against women,

the burden of proof rested on the accused so that the crime could be more easily established. Even the Indian Evidence Act had been amended to that effect. A National Commission on Women had also been established to reduce violence against women and promote their social, legal and economic equality.

92. At the political level, seats in local government had been reserved for women. At the professional level, educated women were making their presence felt in various walks of life, as business executives, as authorities in the fields of medicine and education and so forth.

93. India had signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women and had taken steps to implement its provisions. The most significant development in recent times had been the emergence of a strong women's rights movement.

The meeting rose at 1.05 p.m.